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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,180	04/11/2001	Taku Ishizawa	Q64072	8824

7590

09/12/2002

SUGHRUE, MION, ZINN,  
MACPEAK & SEAS, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20037-3213

EXAMINER

VO, ANH T N

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 09/12/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

A/12

**Office Action Summary**Application No.  
**09/832,180**Applicant(s)  
**ISHIZAWA ET AL.**Examiner  
**ANH VO**Art Unit  
**2861**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Jun 6, 2002
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 12                      6) ☐ Other: \_\_\_\_\_

## **FINAL REJECTION**

### ***Response to Applicant's Amendment***

The rejections over Olsen et al. (US Pat. 6,158,853), Barinaga (US Pat. 6,030,074) and Uzita (US Pat. 5,221,935) are withdrawn in view of the amendments to the claims and the arguments presented in the amendment.

### ***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-30 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kiyohara et al. (US Pat. 4,760,409).

Kiyohara et al. discloses in Figures 1-5 an ink cartridge comprising:

- an ink pack (10) which is filled with ink and is formed into a flattened bag shape corresponding to a geometric shape from flexible material ;
- a case (9) housing the ink pack (10) and constituting an outer shell of the cartridge;

- a contact prevention member (21) which is provided within the ink pack (10) for preventing close contact between interior surfaces of the ink pack (10), caused due to a reduction of ink in the ink pack (10), thereby ensuring an ink flow passage;
- wherein the contact prevention member is formed from genuine material.

However, Kiyohara et al does not disclose that the contact prevention member is disposed at a location that is separate the an outer edge of the pack corresponding to the geometric shape, an ink flow passage formed by press-forming flexible material and bulging outwardly of the ink pack is formed to extend along gravity direction lower side of the ink pack. For example, the ribs (21) of Kiyohara et al are located approximately at the center of the interior surfaces of the flexible bag. As notoriously well known in the art, since the ribs are used to prevent the surfaces of the ink pack from contact that blocks the ink flow, the physical size and shape of the ribs are determined by the size and the flexible material of the ink pack and the position of the ribs is determined by the mounting position of the ink pack on the carriage of a printer. For example, pack with soft material requires the square or rectangular ribs to open an ink flow for the large ink pack with soft flexible material requires a square or rectangular ribs to empty the ink, while the hard flexible material does not need large ribs to open the flow path. When the ink bag is horizontally mounted to the carriage, the ribs should be placed at the bottom edge of the ink back because the ink is deposited at the bottom edge due to the gravity, while the ribs should be placed at the center of the surface when the ink pack is vertically mounted to the carriage. Thus, selecting the physical size, shape and the position for the ribs within the ink pack is considered to be a matter of a mechanical design expedient for an engineer depending upon a selected printer. See how the contact prevention member being used in Figures 1-6 of Yamazaki (JP59204566).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to select the rectangular ribs or place the ribs closed to the bottom edge of the ink pack of Kiyohara et al for the purpose of accommodating with the selected printer.

Claims 1-30 are further rejected under 35 U.S.C. 103 (a) as being unpatentable over Yamazaki (JP59204566). See the above rejection for detail.

***Response to Applicant's Arguments***

The applicant's arguments with respect to the prior art rejection have been carefully considered and have been traversed in view of the new grounds of rejection over Kiyohara et al reference.

**CONCLUSION**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner An Vo whose telephone number is (703) 305-8194. The examiner can normally be reached on Tuesday to Friday from 8:00 A.M. to 6:00 P.M..

The fax number of this Group 2861 is (703) 305-3431 or 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



**AN H.T.N. VO  
PRIMARY EXAMINER**

September 6, 2002